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Senate Bill 999 (as introduced 9-17-24)
Sponsor: Senator Jeff Irwin
Committee: Housing and Human Services

Date Completed: 11-8-24

CONTENT

The bill would amend the Child Protection Law to allow the Department of Health and Human Services (DHHS) to release certain information on child abuse or child neglect cases to the media, upon request, if the media could maintain confidentiality of personally identifying information.

Generally, unless the DHHS Director releases information at the Director's own initiative or upon written request, a written report, document, or photograph filed with the DHHS under the Law is a confidential record available only to certain individuals and entities, such as a police or law enforcement agency, a physician who is treating a child whom the physician reasonably suspects may be abused or neglected, a grand jury when necessary, or specific members of the Legislature, among others.

Under the bill, the DHHS could confirm or deny the existence or filing of a written report regarding a child abuse or neglect case to the media on request of the media regarding that specific case. The DHHS Director could authorize the release of that information, subject to the release provisions described below, if the release contributed to the purpose of the Law and the media had appropriate controls to maintain confidentiality of personally identifying information for an individual named in a report or record.

"Media" would mean a newspaper, magazine, or other periodical, news agency, wire service, radio or television station or network, cable or satellite station or network, or any entity, other than an individual blogger or social media influencer, that is in the regular business of news gathering and disseminating news or information to the public.

(The Law allows the Director to release specified information for child protective service records or a case in which a child has died. Additionally, the Director must release specified information upon written request if there is clear and convincing evidence that the release of the specified information is in the best interests of the child to whom the specified information relates or the release of the specified information does not conflict with the best interests of the child to whom the specified information related, and that certain facts are true, including that the report or record containing the specified information concerns a confirmed report of sexual abuse, serious injury, or life threatening harm involving the child or a sibling of the child identified in the request.

The Director is prohibited from denying a request for specified information based upon a desire to shield a lack of or an inappropriate performance by the DHHS. Regardless of the Director's determination that the specified information may not be released, the Director may not release the specified information if certain facts are true, including that an investigation of the report of child abuse or neglect to which the specified information relates is in progress and the report has not been confirmed.

The Director must give notice of the approval or denial of a release within 14 days, and if the Director decides to release specified information, the Director must give certain individuals notice. Those individuals may appeal the decision in circuit court prior to its release.)

MCL 722.627

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Humphrey Akujobi

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.